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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,827	08/16/2001	Richard M. Webb	00-592-US	4522

7590 10/17/2003

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EXAMINER

NOWLIN, APRIL A

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

EC

Office Action Summary

Application No.

09/932,827

Applicant(s)

WEBB ET AL.

Examiner

April A. Nowlin

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,25,39-49,57-62,65-78 and 80 is/are rejected.
- 7) ☒ Claim(s) 3-24,26-38,50-56,63,64,79 and 81-90 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 11 February 2002 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

2. Claims 1-24 and 40-59 are objected to because of the following informalities:

Re claim 1: Substitute "adapted to display" with – for displaying – (see line 2).

Re claim 1: Substitute "adapted to identify" with – for identifying – (see line 4).

Re claim 40: Substitute "adapted to communicate" with – for communicating – (see line 5).

Re claim 44: Substitute "is adapted to allow" with – allows – (see line 1).

Re claim 51: Substitute "is adapted to acquire" with – acquires – (see line 3).

Re claim 55: Substitute "is adapted to clear" with – clears – (see line 1).

Re claim 56: Substitute "is adapted to clear" with – clears – (see line 1).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 25, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Hung et al (US 2002/070278).

Hung et al teaches a method and apparatus for scanning electronic barcodes comprising a display for displaying barcodes, which serves as a symbolic information as claimed in claim 1; a barcode reader, which serves as a symbolic data acquisition device, for identifying the symbolic information; and a mitigation device oriented between the display and the data acquisition device; wherein the mitigation device changes the polarization angle of light emitted from the symbolic data acquisition device; wherein the display is an liquid crystal display. (see page 1, paragraph 4 to paragraph 14; page 2, paragraph 30 to page 4, paragraph 48)

5. Claims 40-49, 57-62, 65-78, and 80 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitaura et al (US 2002/0091569).

Re claim 40: Kitaura et al teaches a system for transmitting information comprising a data entry device for inputting information; a data center for storing the information; a point-of-use computer for utilizing the information; a display device in

communication with the data center for communicating the information to the point-of-use computer via a wireless data link. (see figures 1, 6, and 8)

Re claims 41-43, wherein the data entry device is a cellular telephone having a barcode scanner and a memory for local storage of the information.

Re claim 44, wherein the cellular telephone allows entry of information via a numeric keypad. (see figures 7 and 8; page 7, paragraph 100)

Re claim 45, wherein the data entry device is a personal digital assistant. (see page 11, paragraph 156)

Re claim 46, wherein the data entry device is a personal computer. (see page 11, paragraph 156)

Re claim 47, wherein the personal computer includes a scanner.

Re claim 48, wherein the information is a barcode representing a manufacturer coupon. (see page 5, paragraph 72 to page 7, paragraph 97)

Re claim 49, wherein the information is a barcode representing an event ticket. (see page 5, paragraph 72 to page 7, paragraph 97)

Re claim 57, wherein the point-of-use computer is communicatively connected to the data center. (see figures 1 and 12)

Re claim 58, wherein the data center stores the information in a web-publishable format. (see page 4, paragraph 69 to page 7, paragraph 102; page 11, paragraph 155)

Re claim 59, wherein the display comprises a web application that allows the browsing of the web-publishable information on the display device. (see page 4, paragraph 69 to page 7, paragraph 102; page 11, paragraph 155)

Re claims 60 and 61: Kitaura et al further teaches a method for transferring information comprising the steps of entering information into a system for storage; storing the information; displaying a scannable symbol related to the information on a display that outputs linearly polarized light; and scanning the symbol to acquire data related to the symbol, wherein the symbol is a barcode. (see page 7, paragraph 110 to page 8, paragraph 117)

Re claim 62, wherein the scanning step takes place on a point-of-use computer including a barcode scanner. (see page 8, paragraph 117)

Re claim 65, wherein the entering information step is the scanning of a product barcode. (see page 7, paragraph 110 to page 8, paragraph 117)

Re claim 66, wherein the entering information step is the scanning of a coupon barcode. (see page 7, paragraph 110 to page 8, paragraph 117)

Re claim 67, the method further comprising the step of verifying the identification of a user of the system before the step of displaying a scannable symbol. (see page 6, paragraph 86 to page 8, paragraph 117)

Re claim 68, wherein the verification step is comprised of accepting a personal identification number entered into a device that incorporates the display. (see page 6, paragraph 86 to page 8, paragraph 117)

Re claim 69, wherein the verification step comprises the steps of sending an identification barcode from a data center to the display; displaying the identification barcode to a remote computer with a barcode scanner; and receiving the identification

barcode back at the data center via a communications link between the remote computer and the data center. (see page 6, paragraph 86 to page 8, paragraph 117)

Re claims 70, 73, and 74: Kitaura et al further teaches an electronic couponing method comprising the steps of storing coupon identification information in an electronic database at a data center; selecting at least one item for purchase at a retail store; determining if an electronic coupon for at least one of the at least one item exists in the database; redeeming the coupon at the retail store; expiring each electronic coupon that matched the at least one item; clearing the redeemed coupon with the coupon provider. (see page 6, paragraph 86 to page 8, paragraph 122)

Re claim 71, wherein the determining step occurs at the data center. (see page 6, paragraph 86 to page 8, paragraph 122)

Re claim 72, wherein the determining step occurs on a store computer infrastructure associated with the retail store. (see page 6, paragraph 86 to page 8, paragraph 122)

Re claim 75, wherein the clearing step occurs between the data center and a coupon provider. (see page 6, paragraph 86 to page 8, paragraph 122)

Re claim 76, wherein the clearing step occurs between the retail store and a coupon provider. (see page 6, paragraph 86 to page 8, paragraph 117)

Re claim 77, wherein the coupon identification information is stored in a web-publishable format. see page 4, paragraph 69 to page 7, paragraph 102; page 11, paragraph 155)

Re claim 78, wherein the selection occurs on a web-enabled telephone. see page 4, paragraph 69 to page 7, paragraph 102; page 11, paragraph 155)

Re claim 80: Kitaura et al further teaches a payment method comprising the steps of storing payment information about a consumer in a data center; sending identification information about the consumer to a point-of-sale computer; receiving identification verification about the consumer from the point-of-sale computer; and completing a payment transaction with the aid of the data center. (see page 6, paragraph 86 to page 8, paragraph 122)

Allowable Subject Matter

6. Claims 3-24, 26-38, 50-56, 63, 64, 79, and 81-90 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fail to teach or fairly suggest a wireless communication system comprising, among other things, a mitigation device which is a wave retarder or quarter wave retarder.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Pub. No. 2003/0144035 to Weinblatt et al.

US Pub. No. 2002/0023027 to Simonds

US Pub. No. 2003/0047613 to Funamoto et al.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Nowlin whose telephone number is (703) 605-1219. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

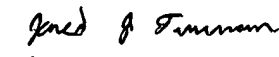
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [april.nowlin@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Art Unit: 2876

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


April Nowlin
October 1, 2003


Jared J. Funeman
Art Unit 2876